

REMARKS

This application has been carefully reviewed in light of the Office Action of May 17, 2005. Claims 17, 19-28 and 32-38 are now presented for examination. Claims 36-38 have been added to assure Applicants of a full measure of protection of the scope to which they deem themselves entitled. Claims 17, 25-28, 36 and 37 are independent. Favorable reconsideration is respectfully requested.

Claims 17, 19-28 and 32-25 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 5,913,019 (Attenberg) in view of U.S. Patents 5,487,010 (Drake et al.) and 6,369,908 (Frey et al.). Applicants have carefully studied the prior art and the Office Action, but find themselves entirely unable to agree with the propriety of this rejection.

For convenience, Applicants again note that independent Claim 17 is directed to a sticker printing apparatus for printing a desired sticker by operating a touch panel overlaid on a display screen. The apparatus of Claim 17 comprises selection means for selecting one of a plurality of background patterns displayed on the display screen by using the touch panel, and background image display means for displaying on the display screen a background image corresponding to the selected background pattern and storing, in a predetermined storage, the background image as one of a plurality of logical layers which overlie each other in a fixed order. Also provided are input means for inputting, by using the touch panel, a plurality of character strings to be printed on a sticker, each of the plurality of character strings being assigned to each of the plurality of logical layers. Control means generate a set of bitmap image data corresponding to an inputted character string and store the bitmap image data in the predetermined storage, each time a character string is inputted by the input means, and layout means lay out each of the stored sets of

bitmap image data in accordance with the fixed order. Also provided are generating means for generating image data by overlaying each of the resulting sets of image data on the background image, and when a desired layer to be edited is designated by using the touch panel with regard to image data obtained by the generating means, edit means edit the designated layer and re-generate image data by overlaying bitmap image data of the edited layer and bitmap image data of non-edited layers in accordance with the fixed order. Output means, when an output instruction is inputted by using the touch panel, output the image data, obtained by the generating means or the edit means, to printing means.

Among other important features of the apparatus of Claim 17, is that plural bitmap images forming a sticker are managed independently as logical layers assigned to respective bitmap images, and as a result, a user can edit just a desired layer even when several or all of the layer images have been set. As shown in Fig. 13, the user can return to a desired layer processing for re-editing the designated layer only.¹

Attenberg has been adequately discussed in previous papers, and it is not believed to be necessary to repeat that discussion in full. Applicants note, referring to Figs. 9A and 9B of *Attenberg*, an background image is selected in step S94, an image is captured from a camera in step S95, and a composed image made from the background image and the captured image is generated in step S95. Then, a foreground image is selected and is composed with the background image and the captured image, in step S96. After this, a countdown for a predetermined time period starts, and the captured image is frozen (that is, can no longer be modified before printing), to determine a image to be printed, in step S98, after which the freeze-captured image and selected background and foreground image are

^{1/} As always, it is to be understood that the claim scope is not limited by the details of the embodiments referred to.

composed to generate a multi-layer composed image in step S101. Finally, the multi-layer composed image is printed out on a sticker sheet in step S104.

According to *Attenberg*, the process sequence is one way as described above. That is, even if *Attenberg* is deemed to disclose that a captured image to be printed can change for a predetermined time period, nonetheless, after that period, the user *cannot* re-select a new background image or foreground image. Accordingly, Applicants fail to understand how the Examiner considers that *Attenberg* could have led one of merely ordinary skill to the concept of editing any desired one from among a plurality of layers after the image data corresponding to the desired layer has been stored, as recited in Claim 17.

Since nothing has been found, or pointed out, in either *Drake* or *Frey* that would remedy this deficiency of *Attenberg* as a reference against Claim 17, that claim is believed to be clearly allowable over those three patents, taken separately or in any permissible combination (if any).

Independent Claim 27 is directed to an apparatus for printing a desired sticker by operating a touch panel overlaid on a display screen, that comprises start-up means for initiating start-up operation from a read-only storage medium which stores an operating system (OS), and preliminary processor means for copying data, which is stored in the storage medium and is subject to being written at least while the OS is operating, to secondary volatile storage means that have a filing system and are accessible by a CPU in a first stage. Also provided are means for initiating the OS to operate in a second stage which is after operation is performed by the preliminary processor means, and selection means for selecting one of a plurality of background patterns displayed on the display screen by using the touch panel. Background image display means display on the display

screen a background image corresponding to the pattern selected by the selection means and store, in a predetermined storage, the background image as one of a plurality of logical layer which overlies each other in a fixed order. Input means input, by using the touch panel, a plurality of character strings to be printed on print paper under the operation of the OS, each of the plurality of character strings being assigned to a respective one of the plurality of logical layers. Control means are provided for generating sets of bitmap image data corresponding to an inputted character string and storing the bitmap image data in the predetermined storage, each time a character string is inputted by the input means, and layout means lay out each set of the stored bitmap image data in accordance with the fixed order. Generating means are provided for generating image data by overlaying each of the image data obtained by the layout means on the background image, and edit means, when a desired layer to be edited is designated by using the touch panel with regard to the image data obtained by the generating means, edit the designated layer, and re-generate image data by overlaying bitmap image data of the edited layer and bitmap image data of non-edited layers in accordance with the fixed order. Output means, when an output instruction is inputted by using the touch panel, outputting image data obtained by the generating means or the edit means, to printing means.

According to Claim 27, thus, the apparatus can boot from a read-only storage medium and can serve as an apparatus for printing a desired sticker. Since the claimed apparatus does not need a non-volatile writable storage such as a hard drive, the apparatus can be started or shut down stably by simply turning the main switch on or off, respectively (see from page 13, line 23, to page 16, line 24, of specification).

With regard to Claim 27, Applicants are unable to find anything in any of those three patents that could be considered disclosure of “preliminary processor means”

as recited in that claim. One important benefit of the structure recited in Claim 27 is that the claimed sticker printing apparatus can be stably started. Indeed, Applicants respectfully note that the outstanding Office Action does not even mention this recitation, and therefore conclude that the stated rejection of Claim 27 fails even to be a proper *prima facie* rejection thereof. Accordingly, Applicants respectfully submit that Claim 27 is in condition for allowance over any permissible combination (if any) of those three patents.

Each of the other independent claims corresponds to one or the other of Claims 17 and 27, discussed above, and each is accordingly deemed allowable for at least the reasons presented above.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and allowance of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Leonard P. Diana", is written over a horizontal line.

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